



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 2. EMPLOYMENT TRAINING PANEL

#### NOTICE OF INTENTION TO AMEND A CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Employment Training Panel (ETP) intends to amend its conflict-of-interest code (Code) pursuant to Government Code Sections 87300 and 87306. The Code designates employees who must disclose certain economic interests including income, investments, real property and business positions; and, must file a statement of disclosure with the Fair Political Practices Commission (FPPC). The same designated employees must also disqualify themselves from making or participating in ETP decisions affecting their economic interests.

A 45-day written comment period has been established beginning February 28, 2005 and ending April 14, 2005. Any interested person may present written comments on the proposed amendments within that period. Comments should be sent to the attention of Margie Miramontes at the following address: Legal Unit, Employment Training Panel, 1100 "J" Street (4th Floor), Sacramento, CA 95814.

A public hearing will not be held unless requested by an interested person, or his or her representative. The request must be submitted in writing to the address shown above no later than March 30, 2005.

The proposed amendments are to Appendix A of the Code. They change the list of organizational units into a list of functions. The purpose of the list is to designate which analysts must file a statement of disclosure. The change from units to functions will more accurately identify those analysts who are involved in decision-making that may have a material effect on financial interests. It will also provide greater flexibility in the event of internal reorganization.

The amendments break out functions from within the organizational units. Most of the units now listed will be retained because they also describe functions; however, the Resolution Unit will be deleted because it is no longer operational. As amended, the list will include five new functions: Contract Review, Marketing, Legal, Planning & Research, and Administration.

ETP has determined that the proposed amendments will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Government Code section 17500 et seq.; nor will they result in any nondiscretionary cost or savings to local agencies. ETP has likewise determined that the proposed amendments will not result in any cost or savings in federal funding to the state, or impose a mandate on local agencies or school districts; nor do they have any potential cost impact on private persons or businesses, including small businesses.

ETP has considered alternatives to the proposed action, and determined there are none that would carry out the purpose of these amendments more effectively. ETP has also determined that no alternative would be as effective and less burdensome to affected private persons, than the proposed action.

ETP has prepared a written explanation of the reasons for these amendments, and has compiled all information on which they are based. This explanation and information, along with copies of the proposed amendments, are available for inspection at the address shown above. Any inquiries concerning the proposed amendments should be directed to Ms. Miramontes at the address shown above. She may also be reached by telephone at (916) 327-5252 or by email at [m.miramontes@etp.ca.gov](mailto:m.miramontes@etp.ca.gov).

### TITLE 4. HEALTH FACILITIES FINANCING AUTHORITY

#### NOTICE OF PROPOSED RULEMAKING ACTION

##### Sections 7030 to 7055

##### Title 4, Division 10

##### California Code of Regulations

NOTICE IS HEREBY GIVEN that the California Health Facilities Financing Authority (the "Authority"), organized and operating pursuant to Sections 1179.20 through 1179.10 of the Health and Safety Code (the "Act"), proposes to adopt the proposed regulations described below relating to the Children's Hospital Program.

#### PROPOSED REGULATORY ACTION

The Authority proposes to adopt Section 7030 through Section 7055 of Chapter 2 of Division 10 of Title 4 of the California Code of Regulations (the "Regulations"). The Regulations implement the Authority's responsibilities related to the Children's Hospital Program established pursuant to Part 6 (commencing with Section 1179.10) of Division 1 of the Health and Safety Code.

# AUTHORITY AND REFERENCE

Authority: Sections 1179.22, 1179.24 and 1179.32 of the Health and Safety Code.

Reference: Division 1, Sections 1179.10 et. seq. of the Health and Safety Code. These regulations implement, interpret and make specific Sections 1179.10 et. seq. of the Health and Safety Code as approved by voters on November 2, 2004.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law authorizes the Authority to award grants to an eligible participating general acute care hospital for purposes of financing capital outlay projects and requires the Authority to develop evaluation criteria and a process for awarding grants. Existing law requires the Authority to develop a written application for the awarding of grants within 90 days of the adoption of existing law. It also requires grants to be awarded within 60 days from receipt of an application for funds. Existing law requires the Authority to take into account several specified factors when selecting grantees and determining grant amounts.

These regulations would implement the above: described statutory requirements within the required timeframes. The purpose of these provisions is to improve the health and welfare of California's critically ill children, by providing a stable and ready source of funds for capital improvement projects for children's hospitals.

1. Health and Safety Code Section 1179.11 defines certain terms and words, but does not define other terms and words, which are necessary to carry out and accomplish the purposes, objectives and provisions of the Act.

California Code of Regulations (CCR) 7030 clarifies the applicability of certain terms and words which shall be interpreted and applied in a uniform manner when used in any application related to the implementation and administration of the Act.

2. Health and Safety Code Section 1179.11 defines eligible children's hospitals and Health and Safety Code Section 1179.22 authorizes the Authority to develop selection criteria and a process for awarding grants under the Act, including at least certain factors when selecting grantees and determining grant amounts.

CCR 7031 makes specific the eligibility criteria for eligible children's hospitals. The provisions authorize the Authority to require applicants to provide a current, general acute care license, audited financial statements that do not contain any going concern qualifications, a completed application

form, ownership documentations of the property if the applicant is proposing to use funds for a project other than equipment acquisition, and reasonable assurance that any projects involving architect, design and/or engineering fees, or acquisition of real property is a component of a larger project that will ultimately benefit the health and welfare of California's sick and/or injured children.

3. Health and Safety Code Sections 1179.23(a) and (b) and 1179.24(c), (d), and (e) establishes the maximum individual grant award and specifies that no grant can exceed the total cost of the project.

CCR 7032 implements and makes specific these provisions by authorizing the Authority to grant maximum awards as defined.

4. Health and Safety Code Section 1179.24(c) and (d) specifies that funds available for grants under Health and Safety Code Section 1179.23 (a) and (b) not exhausted by June 30, 2014 shall become available for an application from any eligible hospital.

CCR 7033 clarifies that in the event of available excess funds available for grants, priority will be given to those eligible facilities that have not previously received the maximum grant award to ensure broad distribution of grant awards.

5. Health and Safety Code Section 1179.24 provides that the Authority shall develop a written application for awarding grants under the Act, including at least certain factors as specified when selecting grantees. This application shall be incorporated by reference in these regulations. Health and Safety Code Section 1179.30 specifies \$750 million will be issued as a general obligation bond to fund this Program.

The following provisions implement, interpret or make specific these requirements.

- a. CCR 7034 establishes that all eligible children's hospitals interested in applying for a grant must complete an application.
- b. CCR 7035 specifies the time and manner of submitting an application to the Authority.
- c. CCR 7036 details the information required for submission in an application for a grant including financial information, organizational information, legal information, and an agreement and certification.
- d. CCR 7037 details the manner in which applications will be evaluated by staff.
- e. CCR 7038 details the evaluation criteria that will be reviewed by the Authority including how well the project contributes to the population served, how well the children's hospital contributes to the population served, applicant's dem-



onstration of project readiness and feasibility, sources and uses of funds, and financial capacity of applicant.

- f. CCR 7039 details the initial allocation notification process for awarding funds after applications have been evaluated.
  - g. CCR 7040 establishes an appeals process for applicants including the circumstances under which an appeal may be filed, the timing of the appeal, the review of the appeal by the staff and Authority, and the securing of funds for a successful appellant.
  - h. CCR 7041 provides for approval by the Authority of grant awards and notification of approval to grantees.
  - i. CCR 7042 specifies when the Authority, at its discretion, can award grants, in the event there are remaining grant funds as of June 30, 2014.
  - j. CCR 7043 specifies when the Authority or the Authority staff may have the discretion to consider a change in use of the grant funds.
  - k. CCR 7044 details the terms and conditions that will be set forth in a grant agreement.
6. Health and Safety Code Section 1179.24(a)(6) requires that the Authority shall award grants subject in part to project readiness and feasibility. Health and Safety Code Section 1179.24(e) specifies that a grant to finance a project cannot exceed the total cost of the project.
- a. CCR 7045 makes specific the process of releasing grant funds as grant awards for Non-University of California Children's Hospitals.
  - b. CCR 7046 makes specific the process of releasing grant funds as grant awards for University of California Children's Hospitals.
  - c. CCR 7047 makes specific the verification required for submission to the Authority once the grant-funded project is complete for all hospitals.
7. Health and Safety Code Section 1179.24(f) provides that if an eligible hospital fails to complete its project under the terms specified in awarding the grant, the Authority may require all or a portion of the grant be returned.
- CCR 7048 details the terms by which grant funds must be returned to the Authority due to non-compliance with the Program.
8. Health and Safety Code Section 1179.24(f) provides that if an eligible hospital fails to complete its project under the terms specified in awarding the grant, the Authority may require all or a portion of the grant be returned.

CCR 7049 specifies that forfeited grant funds are to be deemed remaining funds for purposes of Section 7042.

9. Health and Safety Code Section 1179.25 specifies that the California Bureau of State Audits may conduct periodic audits to ensure awardees of bond proceeds are using funds in compliance with Program.

CCR 7050 interprets and makes specific this provision by requiring grantees to retain all Program and financial data and to provide audited information to the California Bureau of State Audits or Authority upon request.

#### **OTHER MATTERS PRESCRIBED BY STATUTES APPLICABLE TO THE SPECIFIC STATE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS**

No other matters prescribed by statute are applicable to the Authority or to any specific regulation or class of regulations pursuant to 11346.5(a)(4) of the Government Code pertaining to the proposed regulations or to the Authority.

#### **MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The Authority has determined that the Regulations do not impose a mandate on local agencies or school districts.

#### **FISCAL IMPACT**

The Executive Director of the Authority has determined that the regulations do not impose any additional cost or savings requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the California Government Code, any other non-discretionary cost or savings to any local agency or any cost or savings in federal funding to the State. Pursuant to the State Administrative Manual Section 6680, a Fiscal Impact Statement (Form 399) is submitted without the signature of a Project Budget Manager at the Department of Finance, as there are no fiscal impact disclosures required by State Administrative Manual Sections 6600-6670. There will be no cost or savings to any State Agency pursuant to Government Code Section 11346.1(b) or 11346.5(a)(6).

#### **INITIAL DETERMINATION REGARDING ANY SIGNIFICANT, STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS**

The Authority has made an initial determination that the Regulations will not have any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**EFFECT ON SMALL BUSINESSES**

The Authority has determined that the adoption of the Regulations will not affect small business. Its purpose is to interpret and implement those portions of the Program that are the Authority's responsibility. The Program is a voluntary financing program available to charter schools to develop charter school facilities.

**COST IMPACTS**

The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT ON JOBS AND  
BUSINESS EXPANSION, ELIMINATION  
OR CREATION**

The Authority has determined, pursuant to Government Code section 11346.3(b), that the Regulations will not have an effect on jobs and business expansion, elimination or creation.

**COST IMPACT ON HOUSING**

The Regulations will not have any effect on housing costs.

**REASONABLE ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the Authority must determine that no reasonable alternative to the Regulations considered by the Authority or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the Regulations are proposed or would be as effective and less burdensome to affected private persons than the Regulations.

The Authority invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

**AGENCY CONTACT PERSON**

Written comments, inquiries and any questions regarding the substance of the Regulations shall be submitted or directed to:

Greg Rogers, Deputy Executive Director  
California Health Facilities Financing Authority  
915 Capitol Mall, Suite 590  
Sacramento, CA 95814  
(916) 653-2408

The following person is designated as a backup contact person for inquiries only regarding the Regulations:

Mary Bates, Treasury Program Manager  
State Treasurer's Office  
(916) 653-3423

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to the Authority. The written comment period on the Regulations will end at 5:00 p.m. on April 11, 2005. All comments must be submitted in writing to the Agency Contact Person identified in this Notice by that time for them to be considered by the Authority. In the event that changes are made to the Regulations during the written comment period, the Authority will also accept additional written comments limited to any changed or modified Regulations for 15 calendar days after the date on which such Regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

**AVAILABILITY OF INITIAL STATEMENT OF  
REASONS, RULEMAKING FILE AND EXPRESS  
TERMS OF PROPOSED REGULATIONS**

Pursuant to the California Government Code, the Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. This address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons and the proposed text, may be viewed on the Authority's website at

<http://www.treasurer.ca.gov/chffa>.

**PUBLIC HEARING**

No public hearing regarding the Regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to the Authority at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the Regulations for which the Hearing is being requested.

### 15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, the Authority may adopt the Regulations substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through the Authority's website described above) for at least fifteen (15) calendar days before the Authority adopts the proposed Regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

### AVAILABILITY OF FINAL STATEMENT OF REASONS

The Authority is required to prepare a Final Statement of Reasons pursuant to Government Code section 11346.9. Once the Authority has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on the Authority's website described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

## TITLE 5. COMMISSION ON TEACHER CREDENTIALING

### CALIFORNIA CODE OF REGULATIONS

#### **Proposed Amendment of Section 80413 Pertaining Specific Requirements for Preliminary and Professional Clear Multiple and Single Subject Teaching Credentials for Applicants Prepared in California**

### NOTICE OF PROPOSED RULEMAKING

The Commission on Teacher Credentialing proposes to amend regulatory action described below after considering all comments, objections and recommendations regarding the proposed actions.

### PUBLIC HEARING

A public hearing on the proposed actions will be held:

April 14, 2005

10:00 am

California Commission on Teacher Credentialing  
1900 Capitol Avenue

Sacramento, CA 95814

Oral comments on the proposed action will be taken at the public hearing. We would appreciate 14 days advance notice in order to schedule sufficient time on

the agenda for all speakers. Please contact Dale Janssen at (916) 323-5065 regarding this.

Any person wishing to submit written comments at the public hearing may do so. It is requested, but not required, that persons submitting such comments provide fifty copies to be distributed to the Commissioners and interested members of the public. All written statements submitted at the hearing will, however, be given full consideration regardless of the number of copies submitted.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail on the proposed action. The written comment period closes at 5:00 p.m. on April 12, 2005. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 327-3166; write to the California Commission on Teacher Credentialing, attention Dale Janssen, 1900 Capitol Avenue, Sacramento, CA 95814; or submit an e-mail at [djanssen@ctc.ca.gov](mailto:djanssen@ctc.ca.gov).

Any written comments received 21 days prior to the public hearing will be reproduced by the Commission's staff for each Commissioner as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

### AUTHORITY AND REFERENCE

Education Code Section 44225 authorizes the Commission to adopt the proposed actions, which will implement, interpret or make specific sections 44227, 44251, 44252, 44259, 44259.5, 44280, 44281, 44283, 44310 and 44335 of the Education Code and govern the procedures of the Commission.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Governor Schwarzenegger signed Assembly Bill 2210 (Liu, Statutes of 2004, Chapter 343) on August 30, 2004. The bill establishes completion of a Commission-approved induction program as the required route for earning an SB 2042 professional clear multiple subject or single subject teaching credential. If an induction program is unavailable to the preliminary credential holder, the candidate will be allowed to complete a Commission-approved fifth year program. It also allows a candidate to complete a fifth year program if the candidate must complete subject matter course work to meet No Child Left Behind (NCLB) "highly qualified teacher" requirements.



Summary of Existing Laws and Regulations

Education Code Section 44225 provides that the Commission may promulgate rules and regulations.

§ 80413(a)(4) The Reading Instruction Competence Assessment (RICA) was added to the regulations based on Education Code Section 44283.

§ 80413(a)(5) The proposed change to this subsection reflects action the Commission took at its November 2003 meeting requiring preliminary multiple subject teaching credential applicants to pass the subject matter examination if they enrolled in a multiple subject teacher preparation program after July 1, 2004.

§ 80413(a)(7) This subsection was added to reflect the computers in the classroom requirement in Education Code Section 44259(b)(7).

§ 80413(b)(2) This subsection has been added as required by AB 2210 (Liu, Statutes of 2004, Chapter 343). The proposed language requires the employing agency to determine if a teacher may complete a fifth year program based on unavailability of a Commission-approved Induction Program or a teacher must take course work to become No Child Left Behind "highly qualified" in the teacher's current assignment.

§ 80413(b)(6) This subsection is being added to reflect the requirement as specified in Education Code Section 44259.5(e).

§ 80413(d)(1) The proposed language defines which employing agencies can determine which preliminary credential applicants may participate in a Commission-approved fifth year program. These employing agencies were included in the regulations because these are employment situations where a Commission-approved Induction Program may be offered.

Documents Incorporated by Reference

None

DISCLOSURES REGARDING  
THE PROPOSED ACTIONS

The Commission has made the following initial determinations:

Mandated costs to local agencies or school districts: None

Other non-discretionary costs or savings imposed upon local agencies: None

Cost or savings to any state agency: None

Cost or savings in federal funding to the state: None

Significant effect on housing costs: None

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with Section 17500) of the Government Code.

Cost impacts on a representative private person or business: The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Assessment regarding the creation or elimination of jobs in California (Govt. Code § 11346.3(b)): The Commission has made an assessment that the proposed amendment to the regulation(s) would not (1) create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, and (3) affect the expansion of businesses currently doing business within California.

Effect on small businesses: The Commission has determined that the proposed amendment to the regulations does not effect small business. The regulations are not mandatory but an option that effects public school districts and county offices of education.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the actions are proposed or would be as effective and less burdensome to affected private persons or small businesses than the proposed action. Interested individuals may present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON/FURTHER INFORMATION

General or substantive inquiries concerning the proposed action may be directed to Dale Janssen at (916) 323-5065 or Dale Janssen, Commission on Teacher Credentialing, 1900 Capitol Ave. Sacramento, CA 95814. General question inquiries may also be directed to Debra Moss at (916) 322-4974 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. Also available upon request is a copy of the documents incorporated by reference. This information is also available on the Commission's web-site at <<http://www.ctc.ca.gov>>. In addition, all the information on which this proposal is based is available for inspection and copying.



#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of regulations, and the initial statement of reasons.

#### MODIFICATION OF PROPOSED ACTION(S)

If the Commission proposes to modify the actions hereby proposed, the modifications (other than non-substantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. When it is available, it will be placed on the Commission's web site at <<http://www.ctc.ca.gov>> or you may obtain a copy by contacting Dale Janssen at (916) 323-5065.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons and the text of the regulations in underline and strikeout can be accessed through the Commission's web site at [www.ctc.ca.gov](http://www.ctc.ca.gov).

### TITLE 14. CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

- Title 14.**        **Natural Resources**
- Division 7.**    **California Integrated Waste  
Management Board**
- Chapter 6.**     **Permitting of Waste Tire Facilities**
- Article 8.5.**    **Waste Tire Hauler Registration**

#### PROPOSED REGULATORY ACTION

The California Integrated Waste Management Board (Board) proposes to amend Title 14, California Code of Regulations, Division 7, Chapter 6, by amending Articles 8.5, sections 18449 through 18462 and adding sections 18456.2.1 and 18460.2.1. The proposed regulations make changes in the existing regulations to implement, interpret and make specific the provisions of SB 876 (Escutia, 2000), as well as correct errors, and add clarifying language to make the regulations more functional, and delete unnecessary language.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. **The written comment period for this rulemaking closes at the close of the hearing on April 13, 2005.** The Board will only consider comments received at the Board's headquarters by that time. Please submit your written comments to:

Tom Micka, Special Waste Division  
California Integrated Waste Management Board  
P.O. Box 4025  
Sacramento, California 95812-4025  
Fax: (916) 319-7491  
e-mail: [tmicka@ciwmb.ca.gov](mailto:tmicka@ciwmb.ca.gov)

If an individual previously commented on these regulations at a board meeting, that person should be aware that those comments were considered and often incorporated into the regulations. However, if such individuals are not satisfied with the proposed regulations, as they exist in the current proposed regulations, they must resubmit their comments so that they will be considered anew and made a part of this rulemaking record.

#### PUBLIC HEARING

A public hearing to receive public comments has been scheduled for the **Special Waste Committee Meeting**. The hearing will be held at the

Joe Serna Jr., Cal EPA Building  
1001 I Street, 2nd Floor  
Sacramento, CA 95814

The hearing will begin at **9:30 a.m. on April 13, 2005**, and will conclude after all testimony is given. The California Integrated Waste Management Board requests that persons making oral comments also submit a written copy of their testimony at the hearing. The hearing room is wheel chair accessible. If you have any questions, please contact Tom Micka at (916) 341-6420.

#### INFORMATIVE DIGEST

The California Integrated Waste Management Act (Act), Public Resources Code (PRC) § 40000 *et. seq.*, gives the Board authority to provide for the protection of public health, safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC § 40502 requires the Board to adopt rules and regulations to implement the Act. Senate Bill (SB) 744 (McCorquodale, 1993) established the Waste Tire Hauler Registration Program and required the Board to adopt regulations for the Waste Tire Hauler Registration and Manifesting Programs. On May 9, 1996, the Board's Waste Tire Hauler Regulations became effective. With the passage of these and subsequent regulations the Board has

been regulating the hauling of used and waste tires. The Waste Tire Hauler Program currently registers more than 870 waste tire haulers annually, with more than 6,900 vehicles statewide, and requires that used or waste tires be manifested from the generator to the end-use or disposal facility.

Senate Bill (SB) 876 (Escutia, Statutes of 2000, Chapter 838) expanded the Board's authority to oversee the management of used and waste tires and to better serve the regulated community and to protect public health and safety and the environment. The Board was also charged with implementing a new and improved "California Uniform Waste and Used Tire Manifest System."

This new manifesting system has been implemented through previous regulation packages approved by the Board, and impacts tire generators, haulers, and end-use facilities that generate, haul and/or accept used or waste tires. The intent of SB 876 was to "close the loop" on accountability by requiring copies of manifests from each party (generator, hauler, and end user) to be submitted to CIWMB for monitoring and tracking tire loads and movement within California. The current regulations for the "California Uniform Waste and Used Tire Manifest System" are found in Title 14, California Code of Regulations, Chapter 6, Article 8.5.

From the year 1995 to 2003 (prior to the changes implemented by SB 876), the Retread Industry was allowed to prepare an invoice for their customers and attach a copy of that invoice to a single manifest form for the day's route. With the implementation of the California Uniform Waste and Used Tire Manifest System in July 2003, the Retread Industry has been required to manifest each transaction of retreadable casings along with a required trip log. Retreaders have had to abide by the waste tire hauler requirements, because the Public Resources Code includes casings that may be reused within the definition of waste tires (PRC Sections 42805.5 and 42807).

The Board believes that because tire casings are owned by their clients and do not become the property of the retreaders, and because they are being transported by the retreader only for inspection, re-treading, re-casing, or re-capping; and not disposal, that the retreader should not be required to manifest the pick-up and delivery of each load of casings.

The following is a list summarizing the more significant proposed changes to the existing regulations to accommodate the retreaders:

1. A registered Waste Tire Hauler who is a retreader shall complete a Retreader Self-Certification Form in order to be a CIWMB certified retreader.
2. The Board shall issue decals and a retreader registration card to the self-certified retreader.

3. Regulations have been added entitled "Retreader Self-Certification Denial, Suspension, and Revocation" and "Request for Hearing of Denial, Suspension, or Revocation of Retreader Self-Certification" which are similar to the requirements for Registered Waste Tire Haulers.
4. A customer invoice may be substituted for a Manifest Form.
5. For each shipment of casings, the self-certified retreader should have in his/her possession a Retreader Trip Log and customer invoices/Manifest Forms, in lieu of the Manifest Form and Tire Trip Log required for the Registered Waste Tire Hauler.

The Retreader will only be submitting to the CIWMB the Retreader Trip Log. The Retreader will be required to keep copies of the customer invoices for a period of three years. If the CIWMB wants to check the invoices against the Retreader Trip Log, the CIWMB will have to audit the Retreader.

Staff estimates that up to \$32,000 will be needed to accommodate changes in the existing forms and computer programs. A portion of the \$32,000 has already been spent in order to implement the current emergency regulations for retreaders.

Staff has also reviewed, interpreted, and updated inaccuracies in the existing regulations found in Title 14, California Code of Regulations, Chapter 6, Article 8.5.

## POLICY STATEMENT OVERVIEW

Over the past seven years the California Integrated Waste Management Board has been regulating the hauling of used and waste tires in California. The Waste Tire Hauler Program currently registers more than 870 waste tire haulers annually, with more than 6,900 vehicles statewide, and requires that every used or waste tire be manifested from the generator to the end-use or disposal facility. Existing waste tire hauler regulations set forth procedures for the waste tire haulers registration process and current manifest requirements.

The proposed regulations will no longer require a self-certified retreader to manifest the pick-up and delivery of each load of casings. The retreader will only be submitting to the CIWMB the Retreader Trip Log. The retreader will be required to keep copies of the customer invoices for a period of three years. The regulations make changes in the existing regulations to implement, interpret and make specific the provisions of SB 876 (Escutia, 2000), as well as correct errors, add clarifying language to make the regulations more functional, and delete unnecessary language.

**PLAIN ENGLISH REQUIREMENTS**

Board staff prepared the proposed final regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed final regulations are considered non-technical and are written to be easily understood by those parties that will use them.

**AUTHORITY AND REFERENCES**

PRC §§ 40502, 42966, and 43020 provide authority for these regulations. The purpose of the proposed actions is to implement, interpret, and make specific numerous statutes and regulations related to the transportation of used and waste tires. The following is a list of references cited in these proposed regulation changes: PRC §§, 42950, 42951, 42952, 42953, 42954, 42955, 42956, 42958, 42960, 42961, 42961.5, and 42962.

**FEDERAL LAW OR REGULATIONS MANDATE**

Federal law or regulations do not contain comparable requirements.

**LOCAL MANDATE AND  
FISCAL DETERMINATIONS**

Board staff has determined that the proposed regulations do not impose: 1) a mandate on local agencies or school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code §§ 17500 through 17630; 4) other non-discretionary costs or savings on local agencies; or 5) costs or savings in federal funding to the state.

**EFFECT ON HOUSING COSTS**

CIWMB staff made an initial determination that the proposed regulations will not have a significant effect on housing costs.

**EFFECT ON BUSINESS AND  
SMALL BUSINESSES/SMALL  
BUSINESS DETERMINATION**

Board staff made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulations may apply to business and small businesses, but as stated above, they will not have a significant adverse economic impact on business and small businesses. Retreaders will complete a Retreader Trip Log for each shipment of tires in lieu of the current Waste Tire Trip Log and Manifest Form.

**EFFECT ON COMPETITION WITH  
OUT-OF-STATE BUSINESS**

Board staff has determined that the proposed regulations will not have an adverse economic impact upon the ability of California businesses to compete with out-of-state business.

**EFFECT ON CREATION OR ELIMINATION OF  
JOBS, EXISTING OR NEW BUSINESS IN THE  
STATE OF CALIFORNIA**

Board staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the state of California; 2) the creation of new businesses or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business with the state.

**COST IMPACT ON PRIVATE  
PERSONS OR ENTERPRISES**

Board staff has determined that the adoption of the proposed regulations will not have a cost impact on private persons or enterprises. Cost impacts for the program in general have already been identified in a previous rulemaking. Retreaders and their customers are essentially the only members of the regulated community that are affected by the proposed regulations. There will be no increase in the universe of individuals and businesses presently regulated. There is no cost associated with retreaders completing the "Retreader Self-Certification" Form or with the retreaders and their customers using the "CA Retreader Trip Log." Therefore, the proposed regulations impose no costs on either retreaders or their customers and should not have a significant adverse economic impact on individuals and businesses that comply with the statute and regulations governing waste and used tire hauling.

**CONSIDERATION OF ALTERNATIVES**

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**CONTACT PERSON**

Inquiries concerning the substance of the proposed action may be directed to:

Tom Micka, Special Waste Division  
California Integrated Waste Management Board  
P.O. Box 4025  
Sacramento, California 95812-4025  
(916) 341-6420 phone, (916) 319-7491 facsimile  
e-mail: tmicka@ciwmb.ca.gov



Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Georgianne Turner, Special Waste Division  
California Integrated Waste Management Board  
P.O. Box 4025  
Sacramento, CA 95812-4025  
(916) 341-6429 phone, (916) 319-7165 facsimile  
e-mail: gturner@ciwmb.ca.gov

#### **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulations, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. The Final Statement of Reasons will also be made available once it is prepared. Copies may be obtained by contacting Tom Micka at the address or phone number listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the Board's Internet homepage at [www.ciwmb.ca.gov/rulemaking](http://www.ciwmb.ca.gov/rulemaking)

#### **AVAILABILITY OF CHANGED OR MODIFIED TEXT**

The Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for the modified text should be made to the contact person named above. The Board will mail any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

### **TITLE 14. OFFICE OF SPILL PREVENTION AND RESPONSE**

#### **NOTICE OF PROPOSED RULEMAKING**

Notice is hereby given that the Office of Spill Prevention and Response (OSPR) within the Department of Fish and Game, proposes to amend Section 851.23 in Subdivision 4, Chapter 4, Subchapter 2 of

Title 14 of the California Code of Regulations (CCR). These sections pertain to the Tank Vessel Escort Program for the Los Angeles/Long Beach Harbor.

#### **PUBLIC HEARING**

Pursuant to Government code Section 11346.8(a), no public hearing has been scheduled on the proposed action. However, a hearing will be held if the OSPR receives a written request for a public hearing from any interested persons, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period. If a hearing is requested, it will be held in Sacramento.

#### **SUBMISSION OF WRITTEN COMMENTS**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to OSPR. All written comments must be received by OSPR at this office no later than 5:00 p.m. on April 11, 2005, in order to be considered. Written comments may be submitted by mail, fax, or e-mail, as follows:

Department of Fish and Game  
Office of Spill Prevention and Response  
P.O. Box 944209  
Sacramento, California 94244-2090  
Attention: Joy D. Lavin-Jones  
Fax: (916) 324-5662  
E-mail: [jlavinj@ospr.dfg.ca.gov](mailto:jlavinj@ospr.dfg.ca.gov)

#### **PERMANENT ADOPTION OF REGULATIONS**

OSPR may thereafter adopt the proposal substantially as described in this Notice, or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposals—with changes clearly indicated—will be available for 15 days prior to its adoption from the person designated in this Notice as contact person. The text will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

#### **AUTHORITY AND REFERENCE**

Government Code Section 8670.23.1 grants the Administrator the authority to adopt regulations and guidelines for harbor safety plans in consultation with the port authorities of the harbors and other affected parties. These regulations implement, interpret and make specific Government Code Section 8670.23.1. Government Code Section 8670.23.1(d) requires that the Administrator shall give his highest priority to the development of regulations and guidelines concerning tug escorts.



**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

The Lempert-Keene-Seastrand Oil Spill Prevention and Response Act (Act), enacted in 1990 by Senate Bill 2040, created a comprehensive state oil spill program for marine waters. Among its many provisions, the Act authorized the Administrator to create harbor safety committees for the following five harbors: San Diego; Los Angeles/Long Beach; Port Huenum; San Francisco, San Pablo and Suisun Bays; and Humboldt Bay. Each committee is required to develop harbor safety plans for the safe navigation and operation of tankers, barges and other vessels within the harbors. Government Code Section 8670.23 also directed the Administrator to adopt regulations and guidelines for the development of tug escort requirements for the specified harbors.

There are existing regulations specifying the tug escort requirements for the Los Angeles/Long Beach Harbor, including requirements to periodically test the bollard pull (force) of tugs used to escort tank vessels, to assist in the event of a propulsion or steering failure. The proposed regulatory amendments would allow up to a one year extension on the bollard pull re-test, for good cause.

**SMALL BUSINESS IMPACT STATEMENT**

OSPR has determined that the proposed regulations may affect small businesses.

**COMPLIANCE WITH GOVERNMENT CODE  
SECTIONS 8574.10 AND 8670.55**

In accordance with Government Code Section 8574.10, these regulations have been submitted to the Review Subcommittee of the State Interagency Oil Spill Committee for review and comment; and in accordance with Government Code Section 8670.55, these regulations have been submitted to the Oil Spill Technical Advisory Committee for review and comment.

**DISCLOSURES REGARDING  
THE PROPOSED ACTION**

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Cost impacts on representative private persons or businesses: These amendments will not result in significant additional costs to private persons or

directly affected businesses. OSPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: NONE.

**BUSINESS IMPACTS**

The OSPR has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

**ASSESSMENT OF JOB/BUSINESS  
CREATION OR ELIMINATION**

The OSPR has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), OSPR must determine that no reasonable alternative that has been considered or that has otherwise been identified and brought to the attention of OSPR would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AVAILABILITY OF DOCUMENTS  
AND OSPR CONTACT PERSON**

OSPR has prepared a Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, Initial Statement of Reasons, forms, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from the:

Department of Fish and Game  
Office of Spill Prevention and Response  
P.O. Box 944209  
Sacramento, California 94244-2090

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

**[www.dfg.ca.gov/ospr/organizational/legal/  
regulations/regulations.htm](http://www.dfg.ca.gov/ospr/organizational/legal/regulations/regulations.htm)**

Questions regarding the proposed regulations, requests for documents, or any questions concerning the

substance this regulatory action may be directed to Joy Lavin-Jones ((916) 327-0910), or Al Storm ((916) 324-6259).

## **TITLE 16. OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Osteopathic Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing at a hearing to be held at the Western University of Health Sciences, Health Professionals Center, 521 E Third, 2nd Floor Conference Room, Pomona, CA 91766 at 8:30 a.m. on April 13, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be received by the Board no later than 5:00 p.m. on April 11, 2005 or must be received by the Board at the hearing. The Osteopathic Medical Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### **AUTHORITY AND REFERENCE**

Pursuant to the authority vested by the Osteopathic Act (Initiative Measure, Stat. 1923, p. xciii), Section 1; and Section 3600-1 and Section 125.9 of the Business and Professions Code, and to implement, interpret or make specific sections 125.9, 148 and 803.1 of the Business and Professions Code, the Osteopathic Medical Board is considering changes to Article 12.3 of Title 16 of Division 16 of the California Code of Regulations as follows:

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Section 125.9 of the Business and Professions Code authorizes the issuance of citations and fines. This disciplinary tool is made available to the Osteopathic Medical Board of California through the provision of the Business and Professions Code, Section 2452 as a means of increasing the enforcement effectiveness of the Board in cases of minor infraction of the law. The Board needs to implement this Section by regulations and has not yet done so. The Board is adopting regulations to implement the issuance of Citation and Fine in lieu of filing or prosecuting a formal

accusation. These citations will be issued for minor violations of the Medical Practice Act and related California laws if the violation does not involve patient harm or controlled substance abuse.

### **ADOPT SECTIONS 1659.30–1659.35**

#### **1. Add Section 1659.30.**

“Authority to Issue Citation and Fine”. This proposed regulation would permit the Board, to issue a citation for minor violations of the Medical Practice Act not related to patient harm or controlled substance abuse. A citation will be issued in writing and will describe the nature of acts of the violation.

#### **2. Add Section 1659.31.**

This proposed regulation sets forth the schedule of fines to be levied by the Executive Director and shall take into consideration subsection (b)(3) of Section 125.9 and shall describe the nature and facts of the violation and shall be served to the licenses by certified mail. The regulation also notes that the proposed Citation and Fine shall be disclosed to an inquiring member of the public.

#### **3. Add Section 1659.32.**

This proposed regulation sets forth the circumstances in which the cited person may request an extension of time to complete the correction. Additionally, this regulation also provides for reasons the citation may result in a disciplinary action.

#### **4. Add Section 1659.33**

This proposed regulation sets forth the authority of the Executive Director to issue citations and orders of abatement for practicing with an expired license and for practicing prior to issuance of a medical license.

#### **5. Add Section 1659.34.**

This proposed regulation sets forth the procedures for contesting the citation and for requesting a hearing. Additionally, the Executive Director is required to hold an informal conference with the person cited within 30 calendar days of receipt of request.

#### **6. Add Section 1659.35.**

“Public Disclosure”. This proposed regulation sets forth the public disclosure requirement and records retention period according to Section 125.9, 803.1 Business and Professions Code. Additionally a dismissed citation shall immediately be purged.

### **FISCAL IMPACT**

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The Board has determined the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None.

Impact on Jobs/New Businesses: The Board has determined this regulatory proposal will not have any impact on the creation or elimination of jobs or businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses because it only affects individual osteopathic physician and surgeon licensees.

#### CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all other information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Osteopathic Medical Board of California at 2720 Gateway Oaks Drive, Suite 350, Sacramento, CA 95833.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed

Name: Linda J. Bergmann  
Address: 2720 Gateway Oaks Drive,  
Suite 350  
Sacramento, CA 95833  
Telephone No.: (916) 263-3100  
Fax No.: (916) 263-3117  
E-Mail Address: [Linda\\_Bergmann@dca.ca.gov](mailto:Linda_Bergmann@dca.ca.gov)

The backup contact person is:

Name: Angie M. Burton  
Address: 2720 Gateway Oaks Drive,  
Suite 350  
Sacramento, CA 95833  
Telephone No.: (916) 263-3100  
Fax No.: (916) 263-3117  
E-Mail Address: [Angie\\_Burton@dca.ca.gov](mailto:Angie_Burton@dca.ca.gov)

#### WEBSITE ACCESS

Materials regarding this proposal can be found at [www.dca.ca.gov/osteopathic](http://www.dca.ca.gov/osteopathic).

### GENERAL PUBLIC INTEREST

#### AIR RESOURCES BOARD

#### NOTICE OF PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A VARIANCE FROM THE CALIFORNIA CONSUMER PRODUCT REGULATIONS

At the direction of the Executive Officer of the California Air Resources Board, a public hearing will be conducted at the time and place noted below to consider an application for a variance from the Regulation for Reducing Volatile Organic Compound Emissions from Antiperspirants and Deodorants (the "APDO Regulation"; title 17, California Code of Regulations, sections 94500-94506.5) and the Regulation for Reducing Volatile Organic Compound



Emissions from Consumer Products (the “Consumer Products Regulation”; title 17, California Code of Regulations, sections 94507–94517) (collectively, “the Regulations”).

**DATE: March 18, 2005**

**TIME: 1:30 p.m.**

**PLACE: California Environmental  
Protection Agency  
Coastal Hearing Room  
1001 I Street  
Sacramento, California 95814**

Section 94502(a) of the APDO Regulation specifies volatile organic compound-limits for antiperspirants and deodorants. These limits include a 40 percent by weight high volatility organic compound (HVOC) limit for aerosol antiperspirants. This limit is contained in section 94502(a)(2) of the APDO Regulation and has been in effect since January 1, 2001.

Section 94509(a) of the Consumer Products Regulation specifies volatile organic compound (VOC) limits for various categories of consumer products. These limits include a 75 percent by weight VOC limit for personal fragrance products with 20 percent or less fragrance, which became effective January 1, 1999.

Sections 94505 and 94514 of the Regulations allow any person who cannot comply with the requirements of section 94502, or 94509, because of extraordinary reasons beyond the person’s reasonable control, to apply to the Executive Officer for a variance. The criteria and procedures for granting a variance are specified in sections 94505 and 94514 of the Regulations.

The applicant listed below has applied for a variance under section 94505 from the 40 percent HVOC limit for aerosol antiperspirants. The applicant has also applied for a variance under section 94514 from the 75 percent VOC limit for personal fragrance products with 20 percent or less fragrance.

The Procter & Gamble Company  
11511 Reed Hartman Highway  
Cincinnati, OH 45241-9974

The public hearing to consider the variance application will be conducted in accordance with procedures set forth in sections 94505 and 94514 of the Regulations. At the hearing, the applicant will be asked to present evidence demonstrating that the criteria for granting a variance have been met. Interested members of the public will be allowed a reasonable opportunity to testify at the hearing. All parties may, but need not, be represented by counsel at the hearing. Subsequent to the hearing, the Executive Officer shall determine whether, under what conditions, and to what extent a variance is necessary and will be permitted.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Copies of the Regulations and variance application may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Sacramento, California 95814, (916) 322-2990, at least 30 days prior to the scheduled hearing. Further inquiries regarding this matter should be directed to Ms. Carla Takemoto, Manager, Technical Evaluation Section, Stationary Source Division, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812, (916) 324-8028.

## **AIR RESOURCES BOARD**

### **NOTICE OF PUBLIC HEARING TO CONSIDER AN APPLICATION FOR A VARIANCE FROM THE REGULATION FOR REDUCING VOLATILE ORGANIC COMPOUND EMISSIONS FROM ANTIPERSPIRANTS AND DEODORANTS**

At the direction of the Executive Officer of the California Air Resources Board, a public hearing will be conducted at the time and place noted below to consider an application for a variance from the Regulation for Reducing Volatile Organic Compound Emissions from Antiperspirants and Deodorants (the “APDO Regulation”; title 17, California Code of Regulations, sections 94500–94506.5).

**DATE: March 18, 2005**

**TIME: 9:30 a.m.**

**PLACE: California Environmental  
Protection Agency  
Coastal Hearing Room  
1001 I Street  
Sacramento, California 95814**

Section 94502(a) of the APDO Regulation specifies volatile organic compound-limits for antiperspirants and deodorants. These limits include a 40 percent by weight high volatility organic compound (HVOC) limit for aerosol antiperspirants and a 0 percent by weight HVOC limit for aerosol deodorants. These limits are contained in section 94502(a)(2) of the APDO Regulation and have been in effect since January 1, 2001. In addition, section 94505 of the APDO Regulation allows any person who cannot comply with the requirements of section 94502, because of extraordinary reasons beyond the person’s reasonable control, to apply to the Executive Officer for a variance. The criteria and procedures for granting a variance are specified in section 94505.



The applicant listed below has applied for a variance under section 94505 from the 40 percent HVOC limit for aerosol antiperspirants and the 0 percent HVOC limit for aerosol deodorants.

The Gillette Company  
One Gillette Park  
Boston, MA 02127-1096

The public hearing to consider the variance application will be conducted in accordance with procedures set forth in section 94505 of the APDO Regulation. At the hearing, the applicant will be asked to present evidence demonstrating that the criteria for granting a variance have been met. Interested members of the public will be allowed a reasonable opportunity to testify at the hearing. All parties may, but need not, be represented by counsel at the hearing. Subsequent to the hearing, the Executive Officer shall determine whether, under what conditions, and to what extent a variance is necessary and will be permitted.

If you have a disability-related accommodation need, please go to <http://www.arb.ca.gov/html/ada/ada.htm> for assistance or contact the ADA Coordinator at (916) 323-4916. If you are a person who needs assistance in a language other than English, please contact the Bilingual Coordinator at (916) 324-5049. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Copies of the APDO Regulation and variance application may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Sacramento, California 95814, (916) 322-2990, at least 30 days prior to the scheduled hearing. Further inquiries regarding this matter should be directed to Ms. Carla Takemoto, Manager, Technical Evaluation Section, Stationary Source Division, California Air Resources Board, P.O. Box 2815, Sacramento, California 95812, (916) 324-8028.

## DEPARTMENT OF FISH AND GAME

CONSISTENCY DETERMINATION  
Fish and Game Code Section 2080.1  
Tracking Number 2080-2005-002-01

**PROJECT:** Aquatics Conservation Plan of The Pacific Lumber Company Habitat Conservation Plan  
**LOCATION:** Humboldt County  
**NOTIFIER:** The Pacific Lumber Company, Scotia Pacific Company LLC, and Salmon Creek Corporation

### BACKGROUND

On February 24, 1999, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service issued to The Pacific Lumber Company,

Scotia Pacific Company LLC, and Salmon Creek Corporation (collectively known as PALCO) a "no jeopardy biological opinion" (FWS 1-14-99-18) for the proposed incidental take of up to 17 species that would occur as a result of habitat loss and disturbance associated with activities described in the February 1999 PALCO Habitat Conservation Plan (HCP) and associated Implementation Agreement (IA). On March 1, 1999, the National Marine Fisheries Service issued PALCO an incidental take permit (ITP) (No. 1157) for four species.

One of the four species covered by this incidental take permit (ITP) is the Federal-listed threatened coho salmon (*Oncorhynchus kisutch*), which is also a candidate species under the California Endangered Species Act (CESA). The Aquatics Conservation Plan of the PALCO HCP and the IA identify and specify conditions and restrictions on activities covered by the authorization for incidental take that minimize and mitigate impacts to coho salmon.

On January 12, 2005, the Director of the Department of Fish and Game received a December 29, 2004, letter from PALCO seeking a determination pursuant to Section 2080.1 of the Fish and Game Code that Federal ITP No. 1157 is consistent with the California Endangered Species Act (CESA).

### DETERMINATION

The Department has determined that ITP No. 1157 which includes PALCO's compliance with the terms of the PALCO HCP and IA as a condition of authorization is consistent with CESA because the mitigation measures as analyzed in the associated biological opinion and described in the HCP and associated IA meet the conditions set forth in Fish and Game Code Section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Specifically, the Department finds that the potential take of coho salmon will be incidental to otherwise lawful activities (i.e., THPs approved by the California Department of Forestry and Fire Protection), the mitigation measures identified in the HCP and IA will minimize and fully mitigate the impacts of the authorized take of coho salmon, and the activities conducted according to conditions and restrictions in the PALCO HCP and IA will not jeopardize the continued existence of the species. These mitigation measures include but are not limited to the following:

1. Implementing the PALCO HCP Aquatics Conservation Plan (ACP) objectives with the goal of maintaining, or achieving over time, properly functioning aquatic habitat conditions, including water temperature, riparian forest (canopy cover, large wood recruitment), sediment, and pool sizes and frequencies.

2. Conducting watershed analyses of all major watersheds on PALCO lands to establish watershed-specific prescriptions based on the best available science and updated information on the watersheds' conditions.
3. Implementing procedures for controlling sediment from forest roads by road inspections and maintenance and by upgrading, stormproofing or decommissioning roads.
4. Restricting use of forest roads during wet weather and the winter to reduce potential sediment discharge.
5. Restricting or prohibiting forest management activities (e.g. road construction and timber harvesting) in areas prone to landsliding.
6. Minimizing surface erosion in riparian areas by treating exposed soil.
7. Establishing riparian stream buffers within which timber harvesting and road construction are either prohibited or restricted greater than what the California Forest Practices Rules require.
8. Maintaining limits on the extent of forest management activities in watersheds by applying a disturbance index.
9. Maintaining a robust aquatic monitoring program that includes compliance, effectiveness and habitat trends monitoring elements.
10. Using adaptive management, informed by aquatic monitoring and research, to change and improve the effectiveness of aquatic conservation measures
11. Funding of a third-party HCP monitor to help ensure PALCO's compliance with HCP obligations.

This determination is limited to consistency of the ITP as applied to the activities covered by the authorization for incidental take of coho salmon. Pursuant to Section 2080.1 of the Fish and Game Code, no incidental take authorization under CESA will be required for incidental take of coho salmon for these covered activities, provided PALCO complies with the Federal ITP, which requires the mitigation measures and other conditions described in the PALCO HCP and IA and analyzed in the associated biological opinion. If there are any substantive changes to the project, including changes to the mitigation measures or if the National Marine Fisheries Service amends the Federal ITP, PALCO will be required to obtain a new consistency determination or CESA incidental take authorization from the Department.

## DEPARTMENT OF FISH AND GAME

### CESA CONSISTENCY DETERMINATION FOR Cleanup Activities Related to the Acquisition of the Potrero Creek Property Riverside County

The Department of Fish and Game ("Department") received notice on February 9, 2005 that the Lockheed Martin Corporation proposes to rely on the U.S. Fish and Wildlife Service's ("Service") Intra-Service Section 7 Consultation to carry out a project that may adversely affect species protected by the California Endangered Species Act ("CESA"). This project consists of performing various cleanup activities on 1.5 acres of land on the Potrero Creek property as required by the purchase and sales agreement between Lockheed Martin and the Department.

The Service, on December 28, 2004, issued a no jeopardy Federal Biological Opinion (FWS-WRIV-872.2) which considers the federally endangered and state threatened Stephens' kangaroo rat (*Dipodomys stephensi*; SKR) and authorizes incidental take.

Pursuant to California Fish and Game Code Section 2080.1, Lockheed Martin Corporation is requesting a determination that Biological Opinion FWS-WRIV-872.2 is consistent with CESA.

If the Department determines that the Federal Biological Opinion is consistent with CESA, Lockheed Martin Corporation will not be required to obtain an incidental take permit under CESA (Fish and Game Code Section 2081(b)) for the proposed project.

## DEPARTMENT OF FISH AND GAME

### CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 Tracking Number 2080-2005-003-01

**PROJECT:** Marbled Murrelet Conservation Plan of The Pacific Lumber Company Habitat Conservation Plan

**LOCATION:** Humboldt County

**NOTIFIER:** The Pacific Lumber Company, Scotia Pacific Company LLC, and Salmon Creek Corporation

#### BACKGROUND

On February 24, 1999, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service (USFWS) issued to The Pacific Lumber Company, Scotia Pacific Company LLC, and Salmon Creek Corporation (collectively known as PALCO), a "no jeopardy biological opinion" (FWS 1-14-99-18) for the proposed incidental take of up to 17 species that would occur as a result of habitat loss and disturbance associated with activities described in the February 1999 PALCO Habitat Conservation Plan

(HCP) and associated Implementation Agreement (IA). On March 1, 1999, the USFWS issued PALCO an incidental take permit (ITP) (TE828950-0) for 13 species.

The State-listed endangered and Federal-listed threatened marbled murrelet (*Brachyramphus marmoratus*) is one of the 13 species covered by this ITP. The Marbled Murrelet Conservation Plan of the PALCO HCP and the IA identify and specify conditions and restrictions on activities covered by the authorization for incidental take that minimize and mitigate impacts to marbled murrelets.

On January 12, 2005, the Director of the Department of Fish and Game received a December 29, 2004, letter from PALCO seeking a determination pursuant to Section 2080.1 of the Fish and Game Code that Federal ITP number TE828950-0 is consistent with the California Endangered Species Act (CESA).

#### DETERMINATION

The Department has determined that ITP number TE828950-0 which includes PALCO's compliance with the terms of the PALCO HCP and IA as a condition of authorization is consistent with CESA because the mitigation measures as analyzed in the associated biological opinion and described in the HCP and associated IA meet the conditions set forth in Fish and Game Code Section 2081(b) and (c) for authorization of incidental take of species protected under CESA. Specifically, the Department finds that the potential take of marbled murrelets will be incidental to otherwise lawful activities, the mitigation measures identified in the HCP and IA will minimize and fully mitigate the impacts of the authorized take of marbled murrelets, and the activities conducted according to conditions and restrictions in the PALCO HCP and IA will not jeopardize the continued existence of the species. These mitigation measures include but are not limited to the following:

1. The creation of marbled murrelet conservation areas (MMCAs) which are to be managed for marbled murrelet habitat for the life of the HCP (50 years).
2. Implementation of marbled murrelet disturbance minimization measures that minimize possible disturbance and incidental take created by covered activities on PALCO lands adjacent to MMCAs and old-growth habitat in the Headwaters Reserve and State and Humboldt County parks (HCP Section 6.1.2.3.).
3. The process of prioritization and phasing of the harvest of marbled murrelet habitat in a manner which minimizes impacts to marbled murrelets (HCP Section 6.1.2.3.5).

4. PALCO's submittal to the USFWS of an annual effectiveness monitoring report detailing its marbled murrelet monitoring survey locations, results, data, and analysis undertaken during the past year.
5. PALCO's contribution of \$30,000 annually for at least the first five years to the U.S. Forest Service, Northwest Forest Plan off-shore monitoring program.
6. PALCO's maintenance of a fund to conduct research regarding marbled murrelet conservation needs. PALCO will contribute \$200,000 annually for the first five years of the HCP and \$100,000 annually for the following five years to a "Marbled Murrelet Scientific Review Panel" to conduct research regarding the conservation needs of the marbled murrelet.

This determination is limited to consistency of the ITP as applied to the activities covered by the authorization for incidental take of marbled murrelets. Pursuant to Section 2080.1 of the Fish and Game Code, no incidental take authorization under CESA will be required for incidental take of marbled murrelets for these covered activities, provided PALCO complies with the Federal ITP, which requires the mitigation measures and other conditions described in the PALCO HCP and IA and analyzed in the associated biological opinion. If there are any substantive changes to the project, including changes to the mitigation measures or if the USFWS amends the Federal ITP, PALCO will be required to obtain a new consistency determination or CESA incidental take authorization from the Department.

## DEPARTMENT OF TOXIC SUBSTANCES CONTROL

### NOTICE OF FINAL DECISION TO RE-CERTIFY HAZARDOUS WASTE ENVIRONMENTAL TECHNOLOGY

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) has reached a final decision to re-certify the following hazardous waste environmental technology:

The Scigen Neutralex technology for treating formaldehyde in waste neutral buffered Formalin from histopathology specimen preservation and use of automated histopathology tissue processors.

Applicant: SCIGEN, Inc.

333 East Gardena Blvd  
Gardena, California 90249

Section 25200.1.5., Health and Safety Code, enacted by Assembly Bill 2060, authorizes DTSC to certify the performance of hazardous waste environmental technologies. Only technologies which are



determined to not pose a significant potential hazard to the public health and safety or to the environment when used under specified operating conditions may be certified. Incineration technologies are explicitly excluded from the certification program.

The purpose of the certification program is to provide an independent technical evaluation of technologies to identify those meeting applicable quality standards, so as to facilitate regulatory and end-user acceptance and to promote and foster growth of California's environmental technology industry.

DTSC makes no express or implied warranties as to the performance of the manufacturer's product or equipment. The end-user is solely responsible for complying with the applicable federal, state, and local regulatory requirements. Certification does not limit DTSC's authority to require additional measures for protection of public health and the environment.

By accepting certification, the manufacturer assumes, for the duration of certification, responsibility for maintaining the quality of the manufactured equipment and materials and their operation at a level equal to or better than was provided to obtain certification and agrees to be subject to quality monitoring by DTSC as required by the statute under which certification is granted.

DTSC's final decision to re-certify the Scigen Neutralex technology is based on a proposed decision which was subject to a public review and comment period. During the comment period comments were received from one commentator. The commentator requested that the Neutralex ingredients be listed on the MSDS, and expressed their opinion that Neutralex may be dangerous when mixed with water, releasing SO<sub>2</sub> gas. During its original certification evaluation, its re-certification evaluations, DTSC asked end users and industrial health and safety staff for health care facilities whether they had encountered any problems with Neutralex. None reported any health and safety problems, nor reported any releases of gases or vapors. Scigen has stated that they consider the specific mixture of ingredients in Neutralex to be trade secret, and has worked with the Department of Industrial Relations on the language in their MSDS. The original certification language, which is retained in this re-certification, includes specific conditions to further lessen the potential for any worker exposure to a hazardous substance. DTSC therefore has concluded that the Scigen Neutralex technology will not pose a significant potential threat to public health or the environment when used according to the manufacturer's instructions and the conditions in the certification.

Requests for additional information or comments concerning this final decision should be submitted to the following address:

California Environmental Protection Agency  
Department of Toxic Substances Control  
Office of Pollution Prevention and  
Technology Development  
P.O. Box 806  
1001 I Street, 12th Floor  
Sacramento, California 95812-0806  
Attn: Dr. Bruce La Belle (916) 324-2958

#### **BACKGROUND**

The Scigen Neutralex technology was originally certified effective June 29, 1997 for a term of three years, as specified in law. The final decision to certify was published in the May 30, 1997, California Regulatory Notice Register, Volume 97, Number 22-Z. The original certification included a description of the technology, the certification statement and associated conditions and limitations, and the technical basis for the original certification decision. A copy of this information may be obtained from DTSC. Scigen has not changed their technology since the original certification was issued.

Following a re-evaluation and proposed decision with 30-day public comment period, DTSC published a final decision to re-certify the Neutralex technology for another three-year term effective June 10, 2001. A report describing the basis for that recertification decision is available from DTSC.

DTSC re-evaluated the Neutralex technology, and proposed to recertify the technology for an additional three-year term. The proposed decision was published in the August 6, 2004 California Regulatory Notice Register. DTSC has reached a final decision to re-certify the Neutralex technology for an additional three-year term.

#### **EFFECT ON CURRENT CERTIFICATION STATUS**

Pursuant to Title 22, California Code of Regulations section 68100, the existing certification remained valid during the re-certification. The certification will remain in effect for an additional three-year period from the effective date of this final certification decision.

#### **BASIS FOR RE-CERTIFICATION**

The previous recertification evaluation included laboratory testing of the effectiveness of Neutralex for treating 10% neutral buffered Formalin wastes, and discussions with end users. According to Scigen, the Neutralex technology has not changed since it was originally certified. For the current recertification evaluation, DTSC staff contacted end users of the



Neutralex technology to gather additional information on its performance under the conditions of use at health care facilities.

The manager of three pathology laboratories stated that they typically recycle approximately 90% of their 10% neutral buffered formalin wastes, and treat the remainder with Neutralex. The treatment is effective, but the treated waste sometimes requires pH adjustment (addition of acid) to achieve neutral pH for disposal to the drain. Representatives of seven other hospitals reported that Neutralex works well for them, and that the instructions for use were clear. None of the users reported any problems with using the technology. A regional health and safety manager for a hospital group indicated that he was not aware of any problems or health and safety issues at his hospitals that use Neutralex. One hospital reported that they were no longer using the product after determining that their waste did not meet hazardous waste threshold.

DTSC has not received nor is aware of any complaints or reports of problems with the Neutralex technology.

#### REGULATORY CONSIDERATIONS

Title 22, California Code of Regulations, Section 67450.20, specifies that treatment of formaldehyde by health care facilities using any technology certified as effective for that purpose is authorized for operation under a grant of conditional exemption. The treatment must be operated pursuant to the conditions imposed on the certification. In addition, the generator conducting the treatment must comply with the conditions of the Conditional Exemption in Section 25201.5 of the Health and Safety Code. The reader should refer to these statutory and regulatory sections for additional information.

#### CERTIFICATION CONDITIONS

The conditions of the original certification, published in the May 30, 1997, California Regulatory Notice Register, Volume 97, Number 22-Z remain in effect.

#### CERTIFICATION REFERENCE

As a holder of a valid hazardous waste environmental technology certification, Scigen is authorized to use the certification seal (California Registered Service Mark Number 046720) during the term of the certification. Scigen shall cite the certification number and date of re-certification in conjunction with the certification seal whenever it is used.

When providing information on the certification to an interested party, Scigen shall at a minimum provide the full text of the original and re-certification decisions as published in the California Regulatory Notice Registers.

#### DURATION OF THE CERTIFICATION

This re-certification is effective thirty days from the publication date of this final notice, and will remain in effect until March 27, 2008 (a period of three years from its effective date), unless it is revoked for cause or amended.

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### AIR RESOURCES BOARD

##### Portable Diesel-Fueled Engines

This rulemaking action establishes an Airborne Toxic Control Measure (ACTM) for Portable Diesel-Fueled Engines. The ACTM requires all un-exempted portable diesel-fueled engines larger than 50 horsepower to use only specified fuels, and to be certified to Tier 1, 2, or 3 U.S. EPA/ARB off-road engine standards by 2010. After 2010 the ACTM requires all fleets to meet diesel particulate matter (PM) emission averages that become more stringent in 2013, 2017, and 2020. Options available to satisfy the fleet emission standards include: operating cleaner engines, replacing engines, using add-on control devices, switching to alternative fuels, and receiving credits for electrification. By 2020 to meet the diesel PM standards all engines in a fleet must be certified to proposed Tier 4 standards, be equipped with a Level-3 PM control technology, or be a certified engine equipped with control technologies that achieve an emission of 0.04 g/bhp-hr for engines less than 175 hp or 0.02 g/bhp-hr for engines 175 hp or larger. The ACTM also establishes recordkeeping and reporting requirements for fleets, and establishes alternate compliance provisions for engines used exclusively in emergency applications, engines that qualify as low-use engines, and engines used in lattice boom cranes, and provides incentives to encourage replacement of older engines with new, lower emitting engines.

#### Title 17

##### California Code of Regulations

ADOPT: 93116, 93116.1, 93116.2, 93116.3, 93116.4, 93116.5

Filed 02/09/05  
Effective 03/11/05  
Agency Contact: George Poppic (916) 322-3940

**BOARD OF EDUCATION**  
**Instructional Materials**

Repeals regulations implementation an instructional materials program aligned with academic standards.

Title 5  
California Code of Regulations  
REPEAL: 9540, 9541, 9542, 9543, 9544, 9545, 9546, 9547, 9548, 9549, 9550  
Filed 02/09/05  
Effective 02/09/05  
Agency Contact: Debra Strain (916) 319-0641

**BOARD OF EQUALIZATION**  
**Manufacturing Equipment—Leases of Tangible Personal Property**

The Board of Equalization is amending section 1525.3, title 18, California Code of Regulations entitled “Manufacturing Equipment—Leases of Tangible Personal Property”. The amendment is adding subsection (f) providing a cease to operate date as defined by Revenue and Taxation Code section 6377.

Title 18  
California Code of Regulations  
AMEND: 1525.3  
Filed 02/15/05  
Effective 03/17/05  
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF EQUALIZATION**  
**Manufacturing Equipment**

This action conforms regulations with the statutory requirements of Revenue and Taxation Code section 6377(g), which renders inoperative the partial tax exemption for manufacturing equipment sales if jobs on the preceding January 1 do not exceed by a certain number the total employment in the state on January 1, 1994.

Title 18  
California Code of Regulations  
AMEND: 1525.2  
Filed 02/16/05  
Effective 02/16/05  
Agency Contact: Diane G. Olson (916) 322-9569

**CALIFORNIA HEALTH FACILITIES FINANCING AUTHORITY**  
**The Children’s Hospital Program**

This action implements the mandate of Proposition 61 by adopting regulations establishing the Children’s Hospital Program. The program will award grants to eligible children’s hospitals for capital improvement projects benefiting critically ill children.

Title 4  
California Code of Regulations  
ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050  
Filed 02/11/05  
Effective 02/11/05  
Agency Contact: Mary Bates (916) 653-3423

**DEPARTMENT OF CORPORATIONS**  
**Consent to Service of Process**

Non-substantive changes to the standard form used to designate the Department of Corporations as agent for services of process. The changes make the form more understandable but do not substantively modify the required contents.

Title 10  
California Code of Regulations  
AMEND: 260.165  
Filed 02/09/05  
Effective 02/09/05  
Agency Contact: Kathy Womack (916) 322-3553

**DEPARTMENT OF FOOD AND AGRICULTURE**  
**Postentry Quarantine Program**

This regulatory action establishes charges for inspection time and travel for postentry quarantine inspection services and is exempt from review by the Office of Administrative Law pursuant to subdivision (h) of Food and Agricultural Code section 5852.

Title 3  
California Code of Regulations  
ADOPT: 4603(g)  
Filed 02/15/05  
Effective 03/17/05  
Agency Contact: Stephen Brown (916) 654-1017

**DEPARTMENT OF JUSTICE**  
**Health Facility Transaction Regulation Amendment**

The regulatory action deals with health facility transactions.

Title 11  
California Code of Regulations  
AMEND: 995.5  
Filed 02/16/05  
Effective 03/18/05  
Agency Contact: Mark J. Urban (916) 324-5347

**DEPARTMENT OF SOCIAL SERVICES**  
**Family Reunification Child Support Referral Requirements**

This is the resubmittal of a previously disapproved regulatory action (OAL file no. 04-0730-01S; ORD #0403-08) that deals with the determination made by a county welfare department as to whether it would be in the best interest of the child to make an initial referral of the case to the local child support agency for

establishment of a support order for the reimbursement of public assistance (AFDC-FC). Pursuant to Government Code section 11343.4, subdivision (c), this regulatory action will become effective upon filing with the Secretary of State on February 16, 2005.

Title MPP

California Code of Regulations

ADOPT: 31-503 AMEND: 31-206, 45-201

Filed 02/16/05

Effective 02/16/05

Agency Contact: Alison Garcia (916) 657-2586

**DEPARTMENT OF VETERANS AFFAIRS**

**Definition of Levels of Care**

This emergency readoption deletes a requirement that no direct admissions to a Skilled Nursing Facility ("SNF") are allowed from outside sources except when the SNF occupancy rate is below 75%. The regulation now requires that for SNFs "No direct admission to this level of care is allowed from outside sources if such admission would preclude the admission, to this level of care, of a patient who is already a current resident of a California Veterans Home." (Prior OAL Files 04-0917-05E and 04-1007-02ER.)

Title 12

California Code of Regulations

AMEND: 503(f)

Filed 02/16/05

Effective 02/16/05

Agency Contact: Jerry R. Jones (916) 653-2192

**EDUCATION AUDIT APPEALS PANEL**

**Supplement to Audits of K-12 LEAs—**

**FYU 2004-05**

This action updates the audit guide for school year 2004-2005 to address legislative changes to the conditions of apportionment of school funds that occurred after the original adoption of the audit guide.

Title 5

California Code of Regulations

ADOPT: 19817.1, 19826.1, 19828.1, 19837

AMEND: 19814, 19814.1, 19817, 19826, 19828

Filed 02/10/05

Effective 02/10/05

Agency Contact:

Carolyn Pirillo (916) 445-7745

**STATE ALLOCATION BOARD**

**Leroy F. Greene School Facilities Act of 1998—**

**Financial Hardship SB 303**

This regulatory action clarifies that, to qualify for financial hardship status, a school district's indebtedness is limited to debt issued only for the purpose of constructing school facilities.

Title 2

California Code of Regulations

AMEND: 1859.81

Filed 02/15/05

Effective 02/15/05

Agency Contact: Robert Young (916) 445-0083

**CCR CHANGES FILED WITH THE  
SECRETARY OF STATE  
WITHIN SEPTEMBER 29, 2004  
TO FEBRUARY 16, 2005**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

10/13/04 ADOPT: 1015, 1019, 1048, 1050  
AMEND: 1000, 1002, 1004 1006, 1008,  
1012, 1014, 1016, 1018, 1020, 1022,  
1024, 1026, 1027, 1028, 1030, 1032,  
1034, 1038, 1040, 1042, 1044, 1046

**Title 2**

02/15/05 AMEND: 1859.81  
02/03/05 ADOPT: 1859.78.8 AMEND: 1859.2,  
1859.60, 1859.61, 1859.78.6  
02/03/05 AMEND: 1859.106  
01/31/05 AMEND: 1859.2, 1589.33, 1859.35,  
1859.77.3, 1859.82, 1859.83  
01/26/05 ADOPT: 20107  
01/04/05 AMEND: 18703.4, 18730, 18940.2,  
18942.1, 18943  
01/03/05 ADOPT: Division 8, Chapter 108, Sec-  
tion 59530.  
12/31/04 ADOPT: 18229  
12/31/04 AMEND: 18545  
12/20/04 ADOPT: 1859.71, 1859.78.1 AMEND:  
1859.2, 1859.73.2, 1859.79.2, 1859.82,  
1859.83  
12/16/04 ADOPT: 1859.51.1, 1859.70.2 AMEND:  
1859.2, 1859.51 1859.70, 1859.103,  
12/06/04 AMEND: 1859.2, 1859.51  
11/30/04 AMEND: Div. 8, Ch. 29, Sec. 50000  
11/24/04 AMEND: 1866, 1866.1, 1866.2, 1866.4,  
1866.4.1, 1866.4.2, 1866.4.3, 1866.5,  
1866.5.1, 1866.7, 1866.13  
11/22/04 AMEND: 58700  
11/18/04 AMEND: 561, 561.1, 561.2, 561.4, 561.5,  
561.6, 561.7 561.8, 561.9, 561.10,  
561.11, 561.12, 561.13, 561.14  
11/10/04 ADOPT: 1859.163.1, 1859.163.2,  
1859.163.3, 1859.164.2 1859.167.1  
AMEND: 1859.2, 1859.145, 1859.145.1,

189.160, 1859.161, 1859.162, 1859.163,  
1859.164, 1859.164.1, 1859.165,  
1859.166, 1859.167, 1859.168, 1859.171  
11/09/04 AMEND: 18530.8  
11/04/04 AMEND: 1859.71.2, 1859.78.4  
11/02/04 ADOPT: 1859.123.1 AMEND: 1859.2,  
1859.73.1, 1859.81 1859.83, 1859.90,  
1859.120, 1859.121, 1859.122,  
1859.122.1, 1859.122.2, 1859.123,  
1859.124, 1859.124.1 1859.125,  
1859.125.1, 1859.126, 1859.127,  
1859.129, 1859.130  
11/02/04 AMEND: 1859.51, 1859.105  
10/26/04 ADOPT: 18361.1, 18361.2, 18361.3,  
18361.4, 18361.5, 18361.6, 18361.7,  
18361.8, AMEND: 18361.5, 18406,  
18450.4, 18702.2, 18702.5, 18740,  
18747, 18754, 18951 REPEAL: 18361  
09/29/04 ADOPT: 20107  
**Title 3**  
02/15/05 ADOPT: 4603(g)  
02/02/05 AMEND: 3430(b)  
01/21/05 ADOPT: 3700  
01/21/05 AMEND: 3700 (b)(c)  
01/14/05 AMEND: 3700(c)  
01/13/05 AMEND: 3962(a)  
12/20/04 REPEAL: 305, 306  
11/29/04 AMEND: 3423(b)  
11/17/04 AMEND: 1703.3  
11/16/04 AMEND: Subchapter 1.1  
11/10/04 AMEND: 3601(g)  
11/03/04 ADOPT: 6450, 6450.1, 6450.2, 6450.3,  
6784 AMEND: 6000, REPEAL: 6450,  
6450.1, 6450.2, 6250.3, 6784  
10/25/04 AMEND: 3700(c)  
10/14/04 AMEND: 3423(b)  
10/13/04 AMEND: 3700(b)  
10/06/04 AMEND: 3877(a), 3883, 3885(a)(b),  
4603(f REPEAL: 3902  
10/06/04 ADOPT: 2042, 2100, 2101, 2102  
10/04/04 AMEND: 1280.2  
**Title 4**  
02/11/05 ADOPT: 7030, 7031, 7032, 7033, 7034,  
7035, 7036, 7037, 7038, 7039, 7040,  
7041, 7042, 7043, 7044, 7045, 7046,  
7047, 7048, 7049, 7050  
02/04/05 AMEND: 1371  
01/28/05 ADOPT: 12270, 12271, 12272  
12/23/04 ADOPT: 10163, 10164 AMEND: 10152,  
10153, 10154, 10155, 10156, 10157,  
10158, 10159, 10160, 10161, 10162  
12/20/04 ADOPT: 12200, 12200.1, 12200.3,  
12200.5, 12200.6, 12200.7, 12200.9,  
12200.10A, 12200.10B, 12200.10C,  
12200.11, 12200.13, 12200.14, 12200.15,

12200.16, 12200.17, 12200.18, 12200.20,  
12200.21, 12201, 12202, 12203, 12203A,  
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12/16/04 ADOPT: 144  
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